APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,705	05/02/2001	Christopher F. Weight	MS1-0907US	7940

22801   7590   01/13/2009
LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER
FABER, DAVID

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
01/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/848,705	WEIGHT, CHRISTOPHER F.
		Examiner	Art Unit	
		DAVID FABER	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2008</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,7-20,22-24 and 39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4,7-20,22-24 and 39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/29/08</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment and the Information
Disclosure Statement filed on 29 October 2008.

2.   Claims 1, 12, and 20 have been amended.

3.   Claims 6, 21, and 25-38 have been cancelled by the Applicant.

4.   Claim 39 has been added.

5.   The rejection of Claims 25-33, under 35 USC 101, has been withdrawn as
necessitated by the amendment. The rejection of Claims 1, 3-26, 28-38 under 35 U.S.C.
103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No.
6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto),
U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge
et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February
2002, provisional filing date of June 26, 2000, has been withdrawn as necessitated by
the amendment. The rejection of Claims 2, 27 under 35 U.S.C. 103(a) as being
unpatentable over Fields, in view of Matsumoto and Runge, as applied to claims 1 and
25 above, and further in view of Bernardo et al. (hereinafter Bernardo), U.S. Patent No.
6,247,032 issued June 2001, has been withdrawn as necessitated by the amendment.

6.   Claims 1-4, 7-20, 22-24, and 39 pending. Claims 1, 12, 20, and, 39 are
independent claims.

Information Disclosure Statement

7.   The information disclosure statement (IDS) submitted on 29 October 2008 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1, 3-4, 7-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued

October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No.

6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter

Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional

filing date of June 26, 2000 in further view of Wildfire ("FTP Tutorial: Using FTP

Explorer") published early as of 16 December 2000, pages 1-5.

        In regard to independent claim 1, Fields teaches a host Website accepting

(retrieving) new content from a plurality of Web content provider locations, the content

retrieved intended to be ultimately reformatted as necessary and displayed on a Web

page (Fields column 2 lines 36-51; compare with claim 1 "*A method comprising:*", and

"*retrieving content from a plurality of content providers, wherein the retrieved content is*

to be displayed in at least one Web page;")

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular

Web content provider's submission format for parsing specific content (i.e. validating

licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not

specifically teach verifying via comparison of a data structure of the retrieved content

with a data structure defined in a schema file. However, Fields teaches an agreed on

set of tags, said tags can be special embedded tags identifying content areas. Fields

also teaches said tags can be formalized as an XML document type definition (DTD)

(Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file

used for defining tags, etc. (i.e. data structures) as explained above, it would have been

obvious to one of ordinary skill in the art at the time of the invention to apply said DTD

as a part of Fields's filter policy for verifying the format of retrieved content, providing

the benefit of a well formed and concise final document (compare with claim 1 "*verifying*

the structure and syntax of the retrieved content…in a schema file").

Fields teaches rejecting content if content portions do not match the specific

policy for a provider's content format (i.e. if said policy dictates a publishers ads are not

to be passed through, said ad content is deemed invalid, and is rejected, or at the very

least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare

with claim 1 "*rejecting particular content if the particular content format is not valid:*").

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (e.g. ad banners, etc) (see Fields column 8 lines 45-55, also ad banner item 313 – Figure 4B). Fields does not specifically teach scheduling said content for publishing at a scheduled time. However, Matsumoto teaches arranging delivery of advertisements over the Internet, whereby an ad banner campaign is negotiated for a start and end period of time of published ads accordingly (Matsumoto Abstract, column 5 lines 12-22, 55-67, column 6 lines 1-8, especially column 7 lines 1-8, also Figure 3 item 23, and Figure 5 – "Campaigning Period" and "Copy and Layout of advertisement"). It is noted that the scheduled inputted start/end period of time can be reasonably interpreted as start/end time "attributes" associated with the ad, and that said ad is published between said scheduled start/end times, after which said ad is removed accordingly (compare the above with claim 1 "*scheduling the particular content….displayed by a Web server.*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Matsumoto to Fields, providing Fields the benefit of providing for publishing scheduled banner ad campaigns (e.g. to Fields's Figure 4B banner ad), pending agreement and policy approval, therefore facilitating sales.

Fields does not specifically teach a database for storing media content, was well as periodically searching said database. However, the claimed "database" would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing

the benefit of an orderly arrangement of searchable content. In addition, since

Matsumoto teaches selling and scheduling of Internet advertisements (Matsomoto at

least Abstract), it would heve been obvious to one of ordinary skill in the art at the time

of the invention to store pending updated advertisements in a repository (i.e. Fields's

database), so that periodic searching for advertisements scheduled for various times

can commence and applied to a daily or weekly advertising Web page (i.e. a periodic

Web newsletter, CNN Web page, or Fields's Web page, etc.), providing Fields the

benefit of increased organization of pending ads.

Fields and Matsumoto disclose the media content comprising actual media

content, and scheduling information (as disclosed above); however, fail to specifically

disclose contact information associated with the actual media content. However, Runge

discloses contact information, such as an email address, that is includes or incorporates

the address in the advertisement (content). It would have been obvious to one of

ordinary skill in the art at the time of the invention to apply Runge to Fields, providing

Fields the benefit of providing a contact for potential customers to request more

information while the seller has the ability to remain anonymous while responding to

multiple inquires. (compare the above with claim 1 "*the media content comprising actual

media content, scheduling information, and* contact *information….*")

Fields, Matsumoto, and Runge fail to specifically publish the matching media

content in a file folder. However, Wildfire discloses the ability to publish files onto the

web by placing the files into a folder of the user's choice using a software application. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

apply Wildfire to Fields, providing Fields the benefit of publishing files onto a web server

and kept in a customized organized fashion. Furthermore, Fields, Matsumoto, Runge,

and Wildfire fail to specifically disclose the file folder comprising the scheduled date and

time. However, Wildfire discloses the ability for the user to name a created folder or

rename a existing folder. Therefore, it would have been obvious to one ordinary skill in

art to name the folder based on the content/files or information associated with the

content/files residing within the folder since it would have provided the benefit of

indicating to the user what folder contains or is about without the user wasting additional

time searching through the folder to determine the contents of the folder. Therefore, the

user can name the folder based on the scheduled name and time of associated files

stored in the folder. Thus, in conjunction with Fields, Matsumoto, Runge and Wildfire,

the cited references discloses the ability for the matching media content to be displayed

at its scheduled time wherein the content is published into a folder that is named by the

user to correspond to the content's scheduled data and time to be displayed. (compared

to claim 1 *"publishing the matching media content in a file folder, the file folder*

comprising the scheduled date and time…displaying…)

In regard to dependent claims 3, 4, Fields teaches automatically updating

content on a Web page, which involves replacing (deleting the old content) with new

content (Fields column 2 lines 52-54).

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8, Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

In regard to dependent claims 9, 10, 11, claims 9-11 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also teaches a hard drive (Fields Figure 7 item 726).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Furthermore, Fields discloses if the content from the content provider is new or not. (Col 6, line 64 - Col 7, line 15; Col 7 lines 32-65)

In regard to dependent claims 13, 14, 15, claims 13, 14, 15 incorporate substantially similar subject matter as claimed in claims 8, and 1, and are rejected along the same rationale.

In regard to dependent claims 16, 17, 18, 19, claims 16, 17, 18, 19 incorporate substantially similar subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

In regard to dependent claims 22, 23, 24, claims 22, 23, 24 incorporate substantially similar subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

10.   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional filing date of June 26, 2000.

In regard to independent claim 39, Fields teaches a host Website accepting (retrieving) new content from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as necessary and displayed on a Web

page (Fields column 2 lines 36-51; compare with claim 1 "*A method comprising:*", and "*retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;*")

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular Web content provider's submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields's filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 "*verifying the format of the retrieved content…in a schema file*").

Fields teaches rejecting content if content portions do not match the specific policy for a provider's content format (i.e. if said policy dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 "*rejecting particular content if the particular content format is not valid:*").

Fields teaches if a host Web site deems content is valid via adherence to its

specific policy, said content is reformatted and displayed in a Web site accordingly (e.g.

ad banners, etc) (see Fields column 8 lines 45-55, also ad banner item 313 – Figure

4B). Fields does not specifically teach scheduling said content for publishing at a

scheduled time. However, Matsumoto teaches arranging delivery of advertisements

over the Internet, whereby an ad banner campaign is negotiated for a start and end

period of time of published ads accordingly (Matsumoto Abstract, column 5 lines 12-22,

55-67, column 6 lines 1-8, especially column 7 lines 1-8, also Figure 3 item 23, and

Figure 5 – "Campaigning Period" and "Copy and Layout of advertisement"). It is noted

that the scheduled inputted start/end period of time can be reasonably interpreted as

start/end time "attributes" associated with the ad, and that said ad is published between

said scheduled start/end times, after which said ad is removed accordingly (compare

the above with claim 1 "*scheduling the particular content….displayed by a Web*

server."). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Matsumoto to Fields, providing Fields the benefit of providing for

publishing scheduled banner ad campaigns (e.g. to Fields's Figure 4B banner ad),

pending agreement and policy approval, therefore facilitating sales.

Fields does not specifically teach a database for storing media content, was well

as periodically searching said database. However, the claimed "database" would have

been obvious to one of ordinary skill in the art at the time of the invention, because

Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a

database for storing content data along with data used in the content analysis, providing

the benefit of an orderly arrangement of searchable content. In addition, since

Matsumoto teaches selling and scheduling of Internet advertisements (Matsomoto at

least Abstract), it would heve been obvious to one of ordinary skill in the art at the time

of the invention to store pending updated advertisements in a repository (i.e. Fields's

database), so that periodic searching for advertisements scheduled for various times

can commence and applied to a daily or weekly advertising Web page (i.e. a periodic

Web newsletter, CNN Web page, or Fields's Web page, etc.), providing Fields the

benefit of increased organization of pending ads.

Fields and Matsumoto fail to specifically creating a multi-level directory structure

associated with the scheduled time. However, Wildfire discloses, using a software

application, the ability to create a folder/directory within the initial directory (such as

within the "/pub" folder) to publish files in that results in a multi-level directory structure.

(Pages 2-3) It would have been obvious to one of ordinary skill in the art at the time of

the invention to apply Wildfire to Fields, providing Fields the benefit of creating

folders/directories in order to keep files in a customized organized fashion with a simple

ease of use. Furthermore, Fields, Matsumoto, and Wildfire fail to specifically disclose

the directories associated with the scheduled time. However, Wildfire discloses the

ability for the user to name a created folder or rename an existing folder. Therefore, it

would have been obvious to one ordinary skill in art to name the folder based on the

content/files or information associated with the content/files residing within the folder

since it would have provided the benefit of indicating to the user what folder contains or

is about without the user wasting additional time searching through the folder to

determine the contents of the folder. Therefore, the user can name the folder based on

the scheduled name and/or time of associated files stored in the folder. Thus, in

conjunction with Fields, Matsumoto, and Wildfire, the cited references discloses the

ability for the matching media content to be displayed at its scheduled time wherein the

content is published into a folder that is named by the user to correspond to the

content's scheduled data and time to be displayed.

Response to Arguments

11.   Applicant's arguments with respect to claims have been considered but are moot

in view of the new ground(s) of rejection.

        Arguments addressing in regards of the new limitations of Claims 1, 12, and 20

brought forth in the amendment of *publishing the matching media content in a file folder,*

the file folder comprising the scheduled date and time has been viewed the new ground

of rejection of 35 USC 103(a) under new references using Wildfire.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 7

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/
Examiner, Art Unit 2178

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178